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REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicant respectfully submits that the pending claims are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicant respectfully requests that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicant will now address each of the issues raised in the outstanding Office Action. First, however, the undersigned would like to thank Examiner Hernandez and Primary Examiner Lin Ye for courtesies extended during a telephone interview on May 15, 2007 ("the telephone interview"). During the telephone interview, claim 1 (and similar features of other independent claims) were discussed and contrasted with the Ichikawa patent. Details of the telephone interview are provided below.

Rejections under 35 U.S.C. § 102

Claims 1-4, 7-11, 13-21, 48-52, 54-58 and 60-64 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,850,271 B1 ("the Ichikawa patent"). The applicant respectfully requests that the Examiner

reconsider and withdraw this ground of rejection in view of the following.

As noted by the undersigned during the telephone interview, the most apparent difference between the claimed invention and the Ichikawa patent is that the Ichikawa patent does not teach selecting (or setting) image forming instruction information (or image forming instruction mode, or correction instruction information, etc.) **based on** (or **according to**) an image capturing condition (or a shooting mode, etc.), or a priority thereof. As set forth in the Office Action, the Examiner's position is that in the Ichikawa patent, the user can turn off the re-learning mode and can perform manual image correction. The Examiner concludes that this teaches performing correction based on the shooting conditions under which the subject was captured since the user will inherently consider how the shooting conditions are affecting the image being reviewed at the LCD. (See pages 3 and 4 of the Office Action.)

During the telephone interview, the undersigned noted that such manual image correction is not "based on" or "according to" image capturing conditions (or shooting conditions, etc.) because it is subject to the user's opinion and taste. That is, a user has the free will to consider **or not consider** image capturing conditions or shooting conditions. In any event, the undersigned proposed amending the claims to recite "automatically selecting" (or "automatically setting") in order to distinguish the claimed invention over even the Examiner's interpretation of the Ichikawa patent. Both Examiner Hernandez and Primary Examiner Ye agreed that

such amendment would overcome the rejection under the Ichikawa patent.

Independent claims 1-4, 7-11, 13, 14, 17, 20 and 21 have been amended based on the proposal discussed in the telephone interview. Therefore, these claims are not anticipated by the Ichikawa patent for at least the foregoing reason. Dependent claims 15, 16, 18, 19, 48-52, 54-58 and 60-64 are similarly not anticipated by the Ichikawa patent.

**Rejections under 35 U.S.C. § 103**

Claims 5, 6, 12, 53 and 59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Ichikawa patent in view of U.S. Patent No. 6,965,410 B1 ("the Yamagishi patent"). The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Independent claims 5 and 12 were amended based on the proposal discussed in the telephone interview. Since the purported teachings of the Yamagishi patent do not compensate for the deficiencies of the Ichikawa patent with respect to these claims, these claims are not rendered obvious by the Ichikawa and Yamagishi patents. Since claims 6 and 53 depend from claim 5, and since claim 59 depends from claim 12, these claims are similarly not rendered obvious by the Ichikawa and Yamagishi patents.

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Conclusion

Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicant's right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicant requests that the Examiner pass this application to issue.

Respectfully submitted,

June 7, 2007

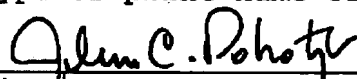
  
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June 7, 2007

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